

REMARKS

Applicants appreciate the Examiner's courtesy for allowing the counsel of record an interview, which was conducted on November 5, 2009. A Statement of Substance of Interview is submitted under a separate cover letter.

In order to support the Applicant's argument that the unexpectedly superior effect of the claimed compound in comparison to CGP-12 177A, as shown in the specification, is a comparison of the closest prior art, Applicants submit herewith Badawi *et al.* and Igawa *et al.* as evidence to show that at the time of the instant invention, CGP-12 177A, was the state of the art selective B₃ agonist for affecting smooth muscle relaxation. In accordance with M.P.E.P. § 609.05(c), the documents cited herein in support of Applicants' remarks are being submitted as evidence directed to an issue raised in the Official Action, and no fee pursuant to 37 C.F.R. 1.97 or 1.98, or citation on a FORM PTO/SB/08A & B is believed to be necessary

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number **202-775-7588**.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,
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CUSTOMER NUMBER

Date: November 23, 2009

Enclosures: 1. Badawi *et al.* Acta. Physiol. Scand. 2005, Oct; 185(2):151-9.
2. Igawa *et al.* Br. J. Pharmacol. 1999, Feb; 126(3):819-25.